EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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ECHR 303 (2019)
11.09.2019

Grand Chamber hearing on inter-State case Ukraine v. Russia (re Crimea)

The European Court of Human Rights is holding a **Grand Chamber**[1] hearing today **Wednesday 11 September 2019 at 9.15 a.m.** in the case of **Ukraine v. Russia (re Crimea)** (application no. 20958/14)

The case concerns Ukraine's allegations of violations of the European Convention on Human Rights by the Russian Federation in Crimea.

A recording of the hearing will be available from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

Procedure

The original application, Ukraine v. Russia, was lodged on 13 March 2014.

The Ukrainian Government maintains that the Russian Federation has from 27 February 2014 exercised effective control over the Autonomous Republic of Crimea and the city of Sevastopol, integral parts of Ukraine, and has exercised jurisdiction over a situation which has resulted in numerous Convention violations. The Government alleges that the violations are a result of a general administrative practice by the Russian Federation.

The applicant Government relies on several Articles of the European Convention on Human Rights, including Article 2 (right to life), Article 3 (prohibition of inhuman treatment and torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 8 (right to respect for private life), Article 9 (freedom of religion), Article 10 (freedom of expression), and Article 11 (freedom of assembly and association). It also complains under Article 1 of Protocol No.1 to the Convention (protection of property), Article 2 of Protocol No. 1 (right to education) and Article 2 of Protocol No.4 (freedom of movement).

In particular, the applicant Government alleges that that there was an administrative practice of the killing of Ukrainian military servicemen, officers of law-enforcement bodies and civilians that was attributable to the Russian Federation.

Furthermore, it alleges cases of torture or other forms of ill-treatment and of arbitrary deprivation of liberty of civilians and Ukrainian servicemen. The Government of Ukraine complains that Ukrainian court judgments were reclassified under Russian legislation and that convicted people were transferred to Russian Federation territory.

The applicant Government states that Ukrainian nationals living in Crimea were subjected to an unlawful automatic imposition of Russian citizenship and that a refusal to receive Russian citizenship deprived people of many rights. There were allegedly cases of attacks, abductions, ill-treatment and harassment of journalists doing their work.

1 Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects. "

It states in addition that there has been harassment and intimidation of religious ministers who are not members of the Russian Orthodox Church, which has particularly affected priests of the Ukrainian Orthodox Church and imams.

The applicant Government alleges that the work of journalists in Crimea has been interfered with and that non-Russian media were suppressed. It further complains of the prohibition of public gatherings and of discrimination against Crimean Tatars.

It also complains of an expropriation of property by the self-proclaimed authorities of the Republic of Crimea, approved by regulatory acts. The Government of Ukraine maintains that the new border between Crimea and Ukraine has led to the restriction of Ukrainian nationals' freedom of movement.

On 13 March 2014 the Court applied Rule 39 of the Rules of Court (interim measure) to this case. It called upon the Russian Federation and Ukraine to refrain from measures, in particular military action, which might bring about violations of the civilian population's Convention rights, notably under Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment). The interim measure remains in force.

Division of the case

To make its processing of the inter-State cases brought by Ukraine against the Russian Federation more efficient, the Court decided last year to deal with all the complaints related to events in Crimea in case no. 20958/14, while complaints relating to events in Eastern Ukraine and Donbass were placed under Ukraine v. Russia (V), application no. 8019/16.

On 7 May 2018 the Chamber dealing with these inter-State cases relinquished jurisdiction in favour of the Grand Chamber[2].

Ukraine has lodged a number of other inter-State cases against Russia, and there are more than 5,000 individual applications concerning events in Crimea, Eastern Ukraine and the Donbass region.

The McGill Centre for Human Rights and Legal Pluralism at McGill University, Canada, represented by René Provost, Professor, was granted leave to intervene in the written proceedings as a third party.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Linos-Alexandre **Sicilianos** (Greece), *President*,
Angelika **Nußberger** (Germany),
Robert **Spano** (Iceland),
Vincent A. **De Gaetano** (Malta),
Jon Fridrik **Kjølbro** (Denmark),
Ksenija **Turković** (Croatia),
Ganna **Yudkivska** (Ukraine)
Aleš **Pejchal** (the Czech Republic),
Krzysztof **Wojtyczek** (Poland),
Síofra **O'Leary** (Ireland),
Stéphanie **Mourou-Vikström** (Monaco),
Pere **Pastor Vilanova** (Andorra),
Tim **Eicke** (the United Kingdom),

2. Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects".

Lətif **Hüseynov** (Azerbaijan),
Jovan **Ilievski** (North Macedonia),
Gilberto **Felici** (San Marino), *judges*,
Bakhtiyar **Tuzmukhamedov** (Russia), *ad hoc judge*,
Valeriu **Griţco** (the Republic of Moldova),
Iulia Antoanella **Motoc** (Romania),
Faris **Vehabović** (Bosnia and Herzegovina), *substitute judges*,

and also Roderick **Liddell**, *Registrar.*

Representatives of the parties

For the respondent Government

Mikhail **Galperin**, Representative of the Russian Federation at the European Court of Human Rights, Deputy Minister of Justice of the Russian Federation;

Michael **Swainston**, QC, Brick Court Chambers, barrister;

Iana **Borisova**, Ministry of Justice of the Russian Federation, Deputy Head of Directorate;

Pavel **Smirnov**, Ministry of Justice of the Russian Federation, Head of Department;

Edward **Harrison**, Brick Court Chambers, barrister;

Vasily **Torkanovskiy**, Ivanyan & Partners, partner;

Sofia **Sarenkova**, Ivanyan & Partners, senior associate;

Vadim **Zapivakhin**, General Staff of the Armed Forces of the Russian Federation, Deputy Head of Directorate;

Grigoriy **Prozukin**, Investigative Committee of the Russian Federation, Deputy Head of Directorate;

Mariia **Zinoveva**, Ministry of Justice of the Russian Federation, officer;

Alana **Siukaeva**, Ministry of Justice of the Russian Federation, officer;

Kseniia **Soloveva**, Ivanyan & Partners, associate;

Evgenii **Trunov**, General Staff of the Armed Forces of the Russian Federation, officer;

Valeriia **Grishchenko**, Investigative Committee of the Russian Federation, officer;

For the applicant Government

Ivan **Lischyna**, Deputy Minister of Justice, Agent before the European Court of Human Rights;

Ben **Emmerson**, QC, counsel;

Marharyta **Sokorenko**, Deputy Head of the Office of the agent before the European Court of Human Rights, Head of Department for Representation of the Government in Interstate Cases, Ministry of Justice of Ukraine;

Dmytrii **Petryshyn**, Head of Division for Representation of the Government in cases regarding the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol of the Office of the agent before the European Court of Human Rights, Ministry of Justice of Ukraine;

Andrii Luksha, Head of Division for Representation of the Government in cases regarding the temporarily occupied territory of Donetsk and Luhansk region of the Office of the agent before the European Court of Human Rights, Ministry of Justice of Ukraine.

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